

#### REMARKS

Initially, Applicant's attorney wishes to thank the Examiner for the careful consideration given this case. Applicant has canceled claims 1-4 and added new claims 5-22. As amended, claims 5-22 are pending. It is respectfully submitted that new claims 5-22 are not identical to the claims of U.S. Patent No. 6,245,754. In fact, pending claims 5-22 provide that X is O or CH<sub>3</sub>. In order to expedite prosecution, Applicant provides simultaneously herewith a terminal disclaimer to U.S. Patent No. 6,245,754, terminally disclaiming the terminal portion of the term.

Applicant has also amended the first paragraph of the specification to delete the second occurrence of the phrase "now Patent No. 6,245,754", updated the status of U.S. Application No. 09/879,765 and corrected the recitation of the provisional application numbers. Each of the rejections set forth in the Non-final office action are addressed below.

The Examiner objected to the specification due to informalities, which have been corrected by way of amendment, as discussed above.

The Examiner objected to claim 1 due to an informality. Claim 1 has been canceled, accordingly this objection is moot.

The Examiner objected to claim 1 under 35 U.S.C. § 101 as claiming the same invention of claim 1 of U.S. Patent No. 6,667,340. Claim 1 has been canceled, accordingly this objection is moot.

The Examiner objected to claims 1-4 on the ground of nonstatutory obviousness-type double-patenting, as being unpatentable over claims 1-4 of U.S. Patent No. 6,667,340. Claims 1-4 has been canceled, accordingly this objection is moot.

### CONCLUSION

In light of the amendments to the claims and the remarks above, it is believed that pending claims 5-22 are in condition for allowance and notice to such effect is respectfully requested. Although the Applicants believe no additional fees are due, the Commissioner is hereby authorized to charge Deposit Account No. 50-0436 for any fees that may be due in connection with this response. Should the Examiner have any questions regarding this application, the Examiner is invited to initiate a telephone conference with the undersigned.

Respectfully Submitted,

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